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## LAW DEPARTMENT

### NOTIFICATION

The 7th January, 2011

No. 332-I.Legis.1/11/L.— The following Acts of Parliament which are assented by the President on the 22nd December, 2009 and published by the Government of India, Ministry of Law & Justice, (Legislative Department) in the Gazette of India, Extraordinary, Part-II, Section-I, dated the 23rd December, 2009 are hereby republished for general information.

By Order of the Governor

D. DASH

Principal Secretary to Government

[ASSENTED TO ON 22ND DECEMBER, 2009]

(ACT NO. 45 OF 2009)

### THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 2009

AN

ACT

*further to amend the Workmen's Compensation Act, 1923.*

**B**E it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 2009.

Short title and  
commence-  
ment

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of long title.

2. In the long title to the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), for the word "workmen", the word "employees" shall be substituted.

8 of 1923.

Amendment  
of preamble.

**3.** In the principal Act, in the preamble, for the word “workmen”, the word “employees” shall be substituted.

Amendment  
of section 1.

**4.** In section 1 of the principal Act, in sub-section (1), for the word “Workmen’s”, the word “Employee’s” shall be substituted.

Substitution  
of references  
to certain  
expressions  
by certain  
other  
expressions.

**5.** Throughout the principal Act, for the words “workman” and “workmen”, wherever they occur, the words “employee” and “employees” shall respectively be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

Amendment  
of section 2.

**6.** In section 2 of the principal Act, in sub-section (1),—

(i) after clause (d), the following clause shall be inserted, namely:—

‘(dd) “employee” means a person, who is—

(i) a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989, not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or 24 of 1989.

(ii) (a) a master, seaman or other member of the crew of a ship,

(b) a captain or other member of the crew of an aircraft,

(c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle,

(d) a person recruited for work abroad by a company, and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or

(iii) employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them;’;

(ii) clause (n) shall be omitted.

**7. In section 4 of the principal Act,—**

(a) in sub-section (1),—

(i) in clause (a), for the words “eighty thousand rupees”, the words “one lakh and twenty thousand rupees” shall be substituted;

(ii) in clause (b), for the words “ninety thousand rupees”, the words “one lakh and forty thousand rupees” shall be substituted;

(iii) after clause (b), the following proviso shall be inserted, namely:—

“Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount of compensation mentioned in clauses (a) and (b).”;

(iv) after clause (b), Explanation II shall be omitted;

(b) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1B) The Central Government may, by notification in the Official Gazette, specify, for the purposes of sub-section (1), such monthly wages in relation to an employee as it may consider necessary.”;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The employee shall be reimbursed the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment.”;

(d) in sub-section (4),—

(A) for the words “two thousand and five hundred rupees”, the words “not less than five thousand rupees” shall be substituted;

(B) the following proviso shall be inserted, namely:—

“Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount specified in this sub-section.”.

**8. In section 20 of the principal Act, in sub-section (1), after the words “appoint any person”, the words “who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or a pleader or is or has been a Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations” shall be inserted.**

9. After section 25 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
25A.

“25 A. The Commissioner shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee.”.

Time limit for  
disposal of  
cases  
relating to  
compensa-  
tion.

10. In Schedule II to the principal Act,—

Amendment  
of Schedule  
II.

(i) for the word, figures, brackets and letter “section 2(1)(n)”, wherever they occur, the word, figures, brackets and letters “section 2(1)(dd)” shall be substituted;

(ii) in item (i), for the words “employed, otherwise than in a clerical capacity or on a railway”, the words “employed in railways” shall be substituted;

(iii) in item (ii), the words “otherwise than in a clerical capacity” shall be omitted;

(iv) in item (iii), the words “wherein or within the precincts whereof twenty or more persons are so employed” shall be omitted;

(v) in item (v), the words “other than clerical work” shall be omitted;

(vi) in item (vi),—

(a) clause (b) shall be omitted;

(b) in clause (c), the words, brackets and letter “or sub-clause (b)” shall be omitted;

(vii) in item (x), the words “otherwise than in a clerical capacity” shall be omitted;

(viii) in item (xiv), the words “otherwise than in a clerical capacity” shall be omitted;

(ix) in item (xvi), the words “in which on any one day of the preceding twelvemonths more than twenty-five persons have been employed” shall be omitted;

(x) for item (xviii), the following item shall be substituted, namely:—

“(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or”;

(xi) in item (xix), the words “otherwise than in a clerical capacity” shall be omitted;

(xii) in item (xxvi),—

(a) in clause (a), the words “and in which on any one day of the preceding twelve months ten or more persons have

been so employed” shall be omitted;

(b) in clause (b), the words “in which on any one day of the preceding twelve months fifty or more persons have been so employed” shall be omitted;

(xiii) in item (xxx), the words “otherwise than in a clerical capacity” shall be omitted;

(xiv) in items (xl) and (xli), the words “in which on any one day of the preceding twelve months more than twenty-five persons have been employed” shall be omitted;

(xv) the Explanation occurring after item (xlix), at the end shall be omitted.

**[ASSENTED TO ON 22ND DECEMBER, 2009]**

**(ACT NO. 44 OF 2009)**

**THE APPROPRIATION (RAILWAYS) No.4 ACT, 2009**

AN

ACT

*to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2009-10 for the purposes of Railways.*

**BE** it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** This Act may be called the Appropriation (Railways) No. 4 Act, 2009. Short title.

**2.** From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Seven hundred thirty-one crores, thirty lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 731,30,60,000 out of the Consolidated Fund of India for the financial year 2009-10.

**3.** The sums authorized to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE  
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Assets—Acquisition, Construction and Replacement			
	<i>Other Expenditure</i>			
	Capital	731,30,13,000	...	731,30,13,000
	Railway Funds	26,000	...	26,000
	Railway Safety Fund	21,000	...	21,000
	<b>TOTAL :</b>	<b>731,30,60,000</b>	<b>...</b>	<b>731,30,60,000</b>

[ASSENTED TO ON 22ND DECEMBER, 2009]

(ACT NO. 43 OF 2009)

**THE JHARKHAND APPROPRIATION (No.3) ACT, 2009**

AN

ACT

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2009-10.*

**BE** it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** This Act may be called the Jharkhand Appropriation (No.3) Act, 2009. Short title.

**2.** From and out of the Consolidated Fund of the State of Jharkhand there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand seventy-four crores three lakhs eighty-eight thousand and seventeen rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 1074,03,88,017 out of the Consolidated Fund of the State of Jharkhand for the financial year 2009-10.

**3.** The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.



**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)		(3)	(4)	(5)
			Rs.	Rs.	Rs.
1	Agriculture Department.....	Revenue	18,08,25,000	..	18,08,25,000
2	Animal Husbandry and Fisheries Department.....	Revenue	1,54,77,000	...	1,54,77,000
		Capital	1,23,60,000	...	1,23,60,000
3	Building Construction Department.....	Capital	6,22,00,000	...	6,22,00,000
6	Election.....	Revenue	12,38,68,000	...	12,38,68,000
9	Co-operative Department.....	Revenue	5,96,00,000	...	5,96,00,000
10	Energy Department.....	Capital	193,50,00,000	...	193,50,00,000
18	Food, Supply and Consumer Forum Department.....	Revenue	22,73,00,000	...	22,73,00,000
21	Higher Education Department.....	Revenue	40,61,00,000	...	40,61,00,000
22	Home Department.....	Revenue	17,00,01,000	...	17,00,01,000
23	Industries Department.....	Revenue	77,53,75,000	...	77,53,75,000
26	Laboure, Employment and Training Department.....	Revenue	19,73,00,000	...	19,73,00,000
27	Law Department.....	Revenue	8,00,000	...	8,00,000
28	High Court of Jharkhand.....	Revenue	...	48,00,000	48,00,000
30	Minorities Welfare Department.....	Capital	3,84,00,000	...	3,84,00,000
33	Personnel and Administrative Reforms Department.....	Revenue	50,00,000	...	50,00,000
39	Disaster Management Department...	Revenue	300,00,00,000	...	300,00,00,000
40	Revenue and Land Reforms Department.....	Revenue	5,41,00,000	...	5,41,00,000
41	Road Construction Department.....	Revenue	21,36,00,000	...	21,36,00,000
42	Rural Development Department.....	Revenue	55,98,85,000	...	55,98,85,000
		Capital	115,45,15,000	...	115,45,15,000
44	Secondary, Primary and Public Education Department.....	Revenue	13,53.39,017	...	13,53.39,017
47	Transport Department.....	Revenue	68,70,00,000	...	68,70,00,000
48	Urban Development and Housing Department.....	Revenue	1,00,00,000	...	1,00,00,000
51	Welfare Department.....	Revenue	51,60,50,000	...	51,60,50,000
		Capital	19,54,93,000	...	19,54,93,000
<b>TOTAL</b>			<b>1073,55,88,017</b>	<b>48,00,000</b>	<b>1074,03,88,017</b>

**[ASSENTED TO ON 22ND DECEMBER, 2009]**

**(ACT NO. 42 OF 2009)**

**THE APPROPRIATION (No.4) ACT, 2009**

AN

ACT

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2009-10.*

**BE** it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** This Act may be called the Appropriation (No.4) Act, 2009.

Short title.

**2.** From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Thirty thousand nine hundred forty-two crores and sixty-two lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in column 2 of the Schedule.

Issue of Rs.  
30942,62,00,  
000  
out of the  
Consolidated  
Fund of India  
for the  
financial year  
2009-10.

**3.** The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1	Department of Agriculture and Co-operation.....	Revenue 14,23,00,000	...	14,23,00,000
2	Department of Agriculture Research and Education.....	Revenue 19,96,00,000	...	19,96,00,000
4	Atomic Energy.....	Revenue 422,48,00,000	...	422,48,00,000
		Capital 199,83,00,000	...	199,83,00,000
5	Nuclear Power Schemes.....	Revenue 55,67,00,000	...	55,67,00,000
		Capital 302,28,00,000	...	302,28,00,000
6	Department of Chemicals and Petrochemicals.....	Revenue 166,07,00,000	...	166,07,00,000
7	Department of Fertilisers.....	Revenue 3000,00,00,000	...	3000,00,00,000
9	Ministry of Civil Aviation.....	Revenue 281,00,00,000	...	281,00,00,000
		Capital 800,00,00,000	...	800,00,00,000
11	Department of Commerce.....	Revenue 160,58,00,000	2,05,00,000	162,63,00,000
12	Department of Industrial Policy and Promotion.....	Revenue 1,00,000	...	1,00,000
13	Department of Posts.....	Revenue ...	4,03,00,000	4,03,00,000
		Capital ...	10,00,000	10,00,000
14	Department of Telecommunications.....	Revenue 249,24,00,000	...	249,24,00,000
		Capital 171,75,00,000	...	171,75,00,000
17	Department of Food and Public Distribution.....	Revenue 3660,82,00,000	...	3660,82,00,000
		Capital 150,00,00,000	...	150,00,00,000
18	Ministry of Corporate Affairs.....	Revenue 9,43,00,000	...	9,43,00,000
		Capital 1,00,00,000	...	1,00,00,000
19	Ministry of Culture.....	Revenue 2,00,000	...	2,00,000
		Capital 9,00,00,000	...	9,00,00,000
20	Ministry of Defence.....	Revenue 29,81,00,000	...	29,81,00,000
		Capital 1,00,000	40,00,000	41,00,000
21	Defence Pensions.....	Revenue 2210,00,00,000	...	2210,00,00,000
23	Defence Services—Navy.....	Revenue ...	2,50,00,000	2,50,00,000
24	Defence Services—Air Force.....	Revenue ...	1,45,00,000	1,45,00,000
28	Ministry of Development of North Eastern Region.....	Revenue 1,00,000	...	1,00,000
29	Ministry of Earth Sciences.....	Revenue 4,00,000	...	4,00,000
		Capital 1,00,000	...	1,00,000
30	Ministry of Environment and Forests.....	Revenue 5,00,000	...	5,00,000
		Capital 1,00,000	...	1,00,000
31	Ministry of External Affairs.....	Capital 297,50,00,000	...	297,50,00,000
32	Department of Economic Affairs.....	Revenue 1,00,000	...	1,00,000
33	Department of Financial Services.....	Revenue 400,02,00,000	...	400,02,00,000
		Capital 1266,00,00,000	...	1266,00,00,000
35	Transfer to State and Union Territory Governments.....	Revenue 1200,02,00,000	...	1200,02,00,000
		Capital ...	1400,00,00,000	1400,00,00,000
38	Department of Expenditure.....	Revenue 3,94,00,000	...	3,94,00,000
39	Pensions.....	Revenue 4533,33,00,000	...	4533,33,00,000
41	Department of Revenue.....	Revenue 1,00,000	...	1,00,000
44	Department of Disinvestment.....	Capital 3139,90,00,000	...	3139,90,00,000
46	Department of Health and Family Welfare.....	Revenue 3,00,000	...	3,00,000
49	Department of Heavy Industry.....	Revenue 1,00,000	...	1,00,000
		Capital 1,00,000	...	1,00,000
51	Ministry of Home Affairs.....	Revenue 195,83,00,000	39,00,000	196,22,00,000
53	Police.....	Revenue 2,00,000	...	2,00,000
		Capital 2,00,000	70,00,000	72,00,000
54	Other Expenditure of the Ministry of Home Affairs.....	Revenue 7,92,00,000	...	7,92,00,000
		Capital 48,00,00,000	...	48,00,00,000
55	Transfer to Union Territory Governments.....	Revenue 105,68,00,000	...	105,68,00,000
57	Department of School Education and Literacy.....	Revenue 1,00,000	...	1,00,000
58	Department of Higher Education.....	Revenue 87,12,00,000	...	87,12,00,000
		Capital 100,00,00,000	...	100,00,00,000

(1)	(2)		(3)	(4)	(5)
			Rs.	Rs.	Rs.
59	Ministry of Information and Broadcasting.....	Revenue	1,00,000	...	1,00,000
60	Ministry of Labour and Employment.....	Revenue	1,00,000	...	1,00,000
61	Election Commission.....	Revenue	5,59,00,000	...	5,59,00,000
62	Law and Justice.....	Revenue	1,00,000	...	1,00,000
	<i>CHARGED.— Supreme Court of India</i>	Revenue	...	10,81,00,000	10,81,00,000
64	Ministry of Micro, Small and Medium Enterprises.....	Revenue	2,00,000	...	2,00,000
65	Ministry of Mines.....	Revenue	21,13,00,000	...	21,13,00,000
67	Ministry of New and Renewable Energy.....	Revenue	1,00,000	...	1,00,000
71	Ministry of Personnel, Public Grievances and Pensions.....	Revenue	39,13,00,000	3,05,00,000	42,18,00,000
		Capital	15,21,00,000	...	15,21,00,000
74	Ministry of Power.....	Revenue	75,93,00,000	...	75,93,00,000
	<i>CHARGED.— Union Public Service Commission</i>	Revenue	...	17,10,00,000	17,10,00,000
79	Secretariat of the Vice-President.....	Revenue	41,00,000	...	41,00,000
80	Department of Rural Development.....	Revenue	154,45,00,000	...	154,45,00,000
84	Department of Scientific and Industrial Research.....	Revenue	6,77,00,000	...	6,77,00,000
86	Ministry of Shipping.....	Revenue	2,00,000	...	2,00,000
		Capital	3,00,000	...	3,00,000
87	Ministry of Road Transport and Highways.....	Revenue	1,00,000	...	1,00,000
		Capital	311,00,00,000	...	311,00,00,000
88	Ministry of Social Justice and Empowerment.....	Revenue	2,00,000	...	2,00,000
90	Ministry of Statistics and Programme Implementation.....	Revenue	3,00,000	...	3,00,000
91	Ministry of Steel.....	Revenue	728,69,00,000	...	728,69,00,000
		Capital	1,00,000	...	1,00,000
92	Ministry of Textiles.....	Revenue	514,45,00,000	...	514,45,00,000
93	Ministry of Tourism.....	Revenue	2,00,000	...	2,00,000
100	Department of Urban Development.....	Revenue	414,76,00,000	...	414,76,00,000
		Capital	2025,10,00,000	...	2025,10,00,000
101	Public Works.....	Revenue	25,52,00,000	...	25,52,00,000
103	Ministry of Water Resources.....	Revenue	1,00,000	...	1,00,000
104	Ministry of Women and Child Development.....	Revenue	1200,00,00,000	...	1200,00,00,000
105	Ministry of Youth Affairs and Sports.....	Revenue	312,42,00,000	...	312,42,00,000
		Capital	350,58,00,000	...	350,58,00,000
<b>TOTAL</b>			<b>29500,04,00,000</b>	<b>1442,58,00,000</b>	<b>30942,62,00,000</b>

**[ASSENTED TO ON 22ND DECEMBER, 2009]**  
**(ACT NO. 41 OF 2009)**  
**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)**  
**ACT, 2009**

AN

ACT

further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

**BE** it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**CHAPTER I**

**PRELIMINARY**

**1.** (1) This Act may be called the Representation of the People (Amendment) Act, 2009.

Short title and commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**CHAPTER II**

**AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950**

43 of 1950.

**2.** In section 24 of the Representation of the People Act, 1950,—

Amendment of section 24.

(i) in clause (a), for the words “chief electoral officer”, the words “district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank” shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(b) to the chief electoral officer, from any order of the district magistrate or the additional district magistrate under clause (a).”.

Amendment of the Second Schedule.

**3.** In the Second Schedule to the Representation of the People Act, 1950, against serial number 18 relating to the State of Mizoram, in column 7, for the entry “38”, the entry “39” shall be substituted.

43 of 1950.

**CHAPTER III**

**AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951**

Amendment of section 8A.

**4.** In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1) of section 8A, for the words “as soon as may be after such order takes effect”, the words “as soon as may be within a period of three months from the date such order takes effect” shall be substituted.

43 of 1951.

Amendment  
of section 34.

**5. In section 34 of the principal Act, in sub-section (1),—**

(i) in clause (a), for the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees”, the words “a sum of twenty-five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of twelve thousand five hundred rupees” shall be substituted;

(ii) in clause (b), for the words “a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand five hundred rupees”, the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees” shall be substituted.

Amendment  
of section  
123.

**6. In section 123 of the principal Act, in clause (7),—**

(i) for the words “from any person in the service of the Government”, the words “from any person whether or not in the service of the Government” shall be substituted;

(ii) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections.”.

Insertion of  
new sections  
126A and  
126B.

**7. After section 126 of the Principal Act, the following sections shall be inserted, namely:—**

Restriction on  
publication  
and  
dissemination  
of result of  
exit polls, etc.

‘126A. (1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1), the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely:—

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union Territories;

(b) in case of a bye-election or a number of bye-elections held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that in case of a number of bye-elections held

together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

*Explanation.*— For the purposes of this section,—

(a) “exit poll” means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) “electronic media” includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) “print media” includes any newspaper, magazine or periodical, poster, placard, handbill or any other document; and

(d) “dissemination” includes publication in any “print media” or broadcast or display on any electronic media.

126B. (1) Where an offence under sub-section (2) of section 126A has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by  
Companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.’.

**[ASSENTED TO ON 22ND DECEMBER, 2009]**

**(ACT NO. 40 OF 2009)**

**THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAWS(SPECIAL PROVISIONS) SECOND ACT, 2009**

AN

ACT

*to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2010 and for matters connected therewith or incidental thereto.*

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made there under ;

AND WHEREAS, the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS, the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS, a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021, and is being implemented;

AND WHEREAS, based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and its extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS, in pursuance of the guidelines and regulations for regularisation of unauthorised colonies, necessary steps are being taken which, *inter alia*, involve scrutiny of layout plans, assessment of built up percentage existed as on the 31st day of March, 2002, identification of mixed use streets, approval of layout plans, fixation of boundaries, change of land use and identification of colonies not eligible for regularisation;



AND WHEREAS, more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularization of unauthorized colonies, village *abadi* area and its extension;

AND WHEREAS, the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and *jhuggi-jhompri* clusters in the National Capital Territory of Delhi has been considered and a Bill, namely the Delhi Urban Shelter Improvement Board Bill, 2009 has been prepared by the Government of National Capital Territory of Delhi to provide for implementation of schemes for improvement of *jhuggi-jhompri* clusters and its redevelopment with a view to bring improvement in environment and living conditions, and preparing housing scheme for resettlement of persons;

AND WHEREAS, the draft policy regarding farm houses has been formulated by the Delhi Development Authority and has been forwarded to major stakeholders for their views and comments;

AND WHEREAS, in pursuance of the Master Plan for Delhi, 2021, the policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

AND WHEREAS, the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 which ceased to operate after the 31st day of December, 2008; 43 of 2007.

AND WHEREAS, the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 was enacted in continuation of the aforesaid Act referred to in the preceding paragraph for a period up to the 31st day of December, 2009 to make special provisions for the areas of National Capital Territory of Delhi and that Act shall cease to operate after the 31st day of December, 2009; 24 of 2009.

AND WHEREAS, it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2010 to provide temporary relief and to minimize avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

**B**E it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,  
extent,  
commence-  
ment  
and duration.

**1.** (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall come into force on the 1st day of January, 2010.

(4) It shall cease to have effect on the 31st day of December, 2010, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act. 10 of 1897.

Definitions.

**2.** (1) In this Act, unless the context otherwise requires,—

(a) "building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section(3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957. Punjab Act 3 of 1911. 61 of 1957.

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957. 44 of 1994. 61 of 1957.

(e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021, notified vide notification number S.O.141(E), dated the 7th day of February, 2007, under the Delhi Development Act, 1957; 61 of 1957.

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957. (i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957. (ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994. (iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(i) "unauthorised development" means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

61 of 1957. (2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957  
66 of 1957. and the New Delhi Municipal Council Act, 1994.  
44 of 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made there under, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

Enforcement  
to be kept in  
abeyance.

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) scheme and orderly arrangements for regulation of urban street vendors inconsonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularization of unauthorised colonies, village *abadi* area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, status *quo*—

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorized development; and

(ii) in respect of unauthorised colonies, village *abadi* area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1), shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2010.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2010, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of  
Central  
Government  
to give  
directions.

**5.** The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

**[ASSENTED TO ON 22ND DECEMBER, 2009]**

**(ACT NO. 39 OF 2009)**

**THE COMPETITION (AMENDMENT) ACT, 2009**

AN

ACT

*further to amend the Competition Act, 2002.*

**B**E it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Competition (Amendment) Act, 2009.

Short title and  
commence-  
ment.

(2) It shall be deemed to have come into force on the 14th day of October, 2009.

**2.** In section 66 of the Competition Act, 2002,—

Amendment  
of section 66  
of Act 12 of  
2003.

(a) in sub-section (1), the proviso and the Explanation thereto shall be omitted;

(b) in sub-section (3),—

(i) for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;

(ii) the following Explanation shall be inserted, namely:—

*“Explanation.—* For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal;

54 of 1969.

(c) in sub-section (4),—

(i) for the words, brackets and figure “on or before the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement” shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date

on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.”;

(d) in sub-section (5), for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;

(e) in sub-section (7), the following proviso shall be inserted, namely:—

“Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit .”.

Repeal and savings.

**3. (1)** The Competition (Amendment) Ordinance, 2009 is hereby repealed.

Ord. 6 of 2009.

(2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.

12 of 2003.

[ASSENTED TO ON 22ND DECEMBER, 2009]

(ACT NO. 38 OF 2009)

**THE CENTRAL UNIVERSITIES (AMENDMENT) ACT, 2009**

AN

ACT

*to amend the Central Universities Act, 2009*

**BE** it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.(1)** This Act may be called the Central Universities (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 20th day of October, 2009.

25 of 2009.

**2.(1)** After section 3 of the Central Universities Act, 2009 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of section 3A.

“3A.(1) The Central University of Jammu and Kashmir established under sub-section (4) of section 3 shall be known as the Central University of Kashmir and its territorial jurisdiction shall be limited to the Kashmir Division of the State of Jammu and Kashmir.

Special provision with respect to the State of Jammu and Kashmir.

(2) There shall be established a university, which shall be a body corporate, to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of the State of Jammu and Kashmir.

(3) All assets and liabilities of the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall stand transferred to be the assets and liabilities of the Central University of Jammu.

(4) Anything done or any action taken by the University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been done or taken by the Central University of Jammu.

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been instituted or continued by or against the Central University of Jammu.”.



Amendment  
of the First  
Schedule to  
the principal  
Act.

**3.** In the First Schedule to the principal Act, for serial number 5 and the corresponding entries against it, the following serial numbers and entries shall be substituted, namely:—

“5. Jammu and Kashmir Central University of Kashmir Kashmir Division of the State of Jammu and Kashmir.

“5A. Jammu and Kashmir Central University of Jammu Kashmir Division of the State of Jammu and Kashmir.”

Repeal and  
saving.

**4.** (1) The Central Universities (Amendment) Ordinance, 2009, is hereby repealed. Ord. 8 of 2009.

(2) Notwithstanding the repeal of the Central Universities (Amendment) Ordinance, 2009, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act. Ord. 8 of 2009.

[ASSENTED TO ON 22ND DECEMBER, 2009]

(ACT NO. 37 OF 2009)

**THE JHARKHAND CONTINGENCY FUND (AMENDMENT)  
ACT, 2009**

AN

ACT

*to amend the Jharkhand Contingency Fund Act, 2001.*

**B**E it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Jharkhand Contingency Fund (Amendment) Act, 2009.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on the 20th day of October, 2009.

**2.** In section 4 of the Jharkhand Contingency Fund Act, 2001, (hereinafter referred to as the principal Act), the following proviso shall be inserted, namely:—

Amendment  
of section 4 of  
Jharkhand Act  
9 of 2001.

‘Provided that during the period beginning on the date of commencement of the Jharkhand Contingency Fund (Amendment) Act, 2009 and ending on the 31st day of March, 2010, this section shall have effect subject to the modification that for the words "one hundred and fifty crore rupees", the words "five hundred crore rupees" shall be substituted.’.

Repeal and  
saving.

**3.** (1) The Jharkhand Contingency Fund (Amendment) Ordinance, 2009 is hereby repealed.

Ord. 7 of  
2009.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.